

REMARKS

The Examiner objected to the abstract, parts of the specification, and claims 1-7 for various informalities. The abstract, specification, and claims have been corrected according to the Examiner's recommendations and are now in a condition for allowance. The Replacement Specification should replace all prior version of the Specification.

The amended Specification identifies LYCRA® as a trademark registered to Invista North America S.a.r.l.. Additionally, grammatical errors were corrected. No new matter has been added to the Specification.

The title has been newly amended to avoid the use of the trademark name LYCRA® and has instead been replaced with the generic term "spandex." Spandex is a polyurethane based elastomeric. It is commonly known in the art that LYCRA® is a specific type of spandex manufactured by Invista. This change to the generic product name has been incorporated into the claim language as well.

The Examiner mentioned confusion about the definition of "high speed textured" within the claims. The applicant would like to clarify that some yarns are specially developed to have a strong performance in high speed manufacturing processes, and some are known as textured yarns since they are manmade filaments that have undergone processes to improve feeling, performance, etc. of the yarn.

Claims 1 through 7 have been rejected under the second paragraph of 35 USC § 112 as being indefinite. The claims have been amended to properly claim a more generic scope in the independent claim and then become more specific in the dependent claims, instead of vice versa. There is additional confusion about the types of yarn claimed. Although polyamide, nylon, and filament may be interchangeable in some situations, they also depict different products, separate unto themselves.

The Examiner has rejected claims 1 through 7 under 35 U.S.C. § 102(b) as being anticipated by Yanagawase et al. (US Pat. No. 6,270,716). Yanagawase et al. discloses a double covered yarn comprising a spandex core with two sheath yarns wound around the

spandex core. However, there is no disclosure that either of the two sheath yarns may be made up of a polypropylene yarn.

In contrast, the claims as amended disclose a double covered yarn wherein the two yarn coverings may be composed of a polypropylene yarn. Thus, the Examiner has not identified a reference in which the invention is completely disclosed in the prior art. It is therefore respectfully submitted that the subject matters of the amended claims would not be anticipated by Yanagawase et al..

An anticipation requires that the prior art reference must either expressly or inherently disclose each and every limitation in a claim. *Verdegaal Bros. v. Union Oil Co.*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987); *In re Paulsen*, 31 USPQ 2d 1671, 1673 (Fed. Cir. 1994). The reference must also be enabling such that it puts the invention in the hands of one skilled in the art. *In re Sun*, 31 USPQ 2d 1451, 1453 (Fed. Cir. 1993) (unpub.); *In re Spada*, 15 USPQ 2d 1655, 1657 (Fed. Cir. 1991). Not only is all of the structure required, but also each statement of function. *In re Weiss*, 26 USPQ 2d 1885, 1888 (Fed. Cir. 1993), which cites two CCPA cases to this effect:

The limitations which must be met by an anticipatory reference are those set forth in each statement of function. *RCA*, 730 F.2d at 1445 N.5, 221 USPQ at 389 n.5 (citing *In re Mott*, 557 F.2d 266, 194 USPQ 305, 307 (CCPA 1977)).

The Examiner is also invited to review Section 2131 of MPEP, entitled "ANTICIPATION--APPLICATION OF 35 U.S.C. 102(a), (b) and (e)."

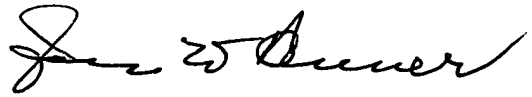
Claims 1 through 7 are pending in the application upon entry of the above amendments. Support for the claims and amendments exist in the specification as filed and in the specification and claims of the PCT application to which this application claims priority under 35 USC § 371. No new matter has been added. Favorable consideration of the pending application is respectfully requested.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is hereby authorized to charge said fees to our Deposit Account No. 18-0988.

The claims as amended are not anticipated by or obvious over the applied or prior art. The application is now believed to be in a condition of allowance. Early action to that effect is eagerly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Renner", written over a horizontal line.

John W. Renner

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